



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

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9-2

05 SEP 2000

REPLY TO THE ATTENTION OF C-14J

VIA FACSIMILE AND U.S. MAIL

EPA Region 5 Records Ctr.



227606

Martin B. Zells  
20 N. Wacker Dr.  
Chicago, Illinois 60606-2806

Re: Walkover Survey of Parking Lot at 4XX East Ohio Street (should be 416 W Grand)

Dear Mr. Zells:

As I explained during our phone conversation earlier this afternoon, U.S. EPA is investigating the disposal of radioactive material from the Lindsay Light and Chemical Company (Lindsay Light) thorium mantle manufacturing plant at 316 E. Illinois. Part of this investigation includes conducting radiological surveys of undeveloped properties in the area. U.S. EPA believes it is possible that radioactive materials from the Lindsay Light operations may have been placed onto your client's property. Asphalt and concrete effectively shield the gamma radiation from this material but when the asphalt and concrete are removed during development activities there may be a potential threat to human health and the environment. U.S. EPA is seeking access to your client's property to conduct a walkover radiological survey. We anticipate that this survey would take no more than two to four hours. Enclosed with this letter is a form allowing U.S. EPA access to conduct the survey of your client's lot located next to the Rehabilitation Institute of Chicago's parking facility. Also, for your client's information, I have enclosed copies of U.S. EPA's Lindsay Light Frequently Asked Questions and a print out of EPA's Lindsay Light site which provides a brief of Lindsay Light and the cleanup activities conducted.

In summary, the fact sheet explains that, from about 1905 until approximately 1932, Lindsay Light refined thorium-containing ores and manufactured incandescent mantles for residential and commercial building lights at 316 E. Illinois. The gas mantle manufacturing involved dipping gauze mantle bags into solutions containing radioactive thorium. This former manufacturing site that is bounded by Columbus, Grand, McClurg Court, and Illinois is known as the Lindsay Light II site. (It is called Lindsay Light II because the original facility and main offices were located at 161 East Grand.) Presently, Kerr-McGee Chemical L.L.C., River East L.L.C. and Grand Pier L.L.C. are completing removal actions at the Lindsay Light II site pursuant to a U.S. EPA administrative order issued under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA" or more commonly known as "Superfund").

If your client has conducted an environmental assessment of the parking lot, provide us with a copy of that environmental assessment, whether or not it includes a radiological assessment. Such data would add to our understanding of the area. We also would be interested in copies of any geotechnical boring information you may have for this property.

Martin B. Zells  
20 N. Wacker Dr.  
Chicago, Illinois  
September 5, 2000  
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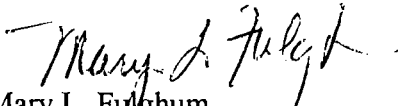
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As I explained during our call, U.S. EPA can not agree to any indemnification clause. Government employees are expressly forbidden by the Anti-Deficiency Act, 31 U.S.C. 665 (a), from obligating federal funds (in this instance, funds to indemnify or hold harmless the property owner) without statutory authorization. Further, in as much as the Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq. (CERCLA), grants U.S. EPA employees a right of entry to a property, the exercise of the right of entry may not be conditioned upon the signing of an indemnity agreement. If access is conditioned by an indemnification provision, U.S. EPA employees are instructed to treat the condition as a denial. For additional background information regarding this long-standing requirement, I have enclosed a copy of an U.S. EPA Office of General Counsel Opinion dated November 8, 1972. Please advise me immediately, if you intend to deny access by requiring indemnification or hold harmless agreements for your clients.

If your client will provide access, please have your client sign the enclosed consent form. This consent for access provides U.S. EPA employees access to the property to conduct radiation surveillance and sampling purposes only. If access is required for other purposes, a broader access agreement will be necessary. Please fax the signed copy to my office at (312) 886-0747 and return the originals by regular mail. If your client would like to accompany U.S. EPA during the walkover, please let me know so we can schedule the walkover at a mutually acceptable time. Your client may call On-Scene Coordinator, Verneta Simon, at 886-3601 or On-Scene Coordinator, Fred Micke, at 886-5123 if your client has technical questions. Note that this consent is for access for a radiation walkover and sampling purposes only. If access is required for other purposes, a broader access agreement will be necessary.

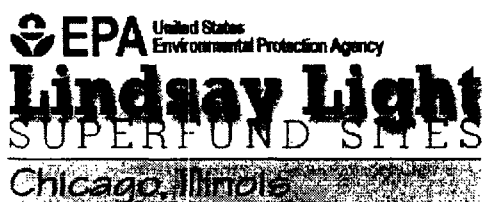
Please call me at (312) 886-4683 if there is additional information I can provide to you.

Sincerely,

  
Mary L. Fulghum

Enclosures

1. Fact Sheet dated May 2000
  2. Lindsay Light Superfund Site Web Page Printout
  3. Consent for Access Form
  4. Office of General Counsel Opinion  
Regarding Indemnification
- cc: Verneta Simon, EPA OSC  
Fred Micke, EPA OSC



## Background

The Lindsay Light Chemical Company is the former maker of incandescent gas mantles for home and street lighting. Earlier reports show this company first imported and then manufactured mantles from around 1910 until 1933 at 161 East Grand Avenue. Sometime after 1933 Lindsay Light moved to West Chicago, IL.

The process of gas mantle manufacturing involves dipping gauze mantle bags into solutions containing thorium nitrate and small amounts of cerium, beryllium and magnesium nitrates. The principal ingredient in thorium nitrate is radioactive thorium, specifically thorium-232.

[Maps](#)[Photos](#)[Fact Sheets](#)[Contacts](#)

### Lindsay Light I Site

The Lindsay Light I site is located at 161 East Grand Avenue, at the corner of Grand Avenue and St. Clair Street in downtown Chicago. Lindsay Light I is the former manufacturing location for the Lindsay Light Chemical Company. EPA took a series of surveys and recommended that decontamination of areas throughout the building be undertaken, where practicable (areas where employees and members of the general public work or frequent). In August 1981, the current building owners funded a limited project to decontaminate only occupied work areas on the second and fourth floors. During June 1983 and February 1984, EPA took dose measurements to determine what, if any, levels of radiation were present. On both occasions results were minimal.

In June 1993, a site assessment was performed to measure gamma exposure rates. This assessment concluded that there were additional areas that should be removed.

### Lindsay Light II Site

The Lindsay Light II Site is a public parking lot located at 316 East Illinois Street. The three acre lot is bounded by Grand Avenue, Illinois Street, McClurg Court, and Columbus Drive. Records show that the Lindsay Light II Site originally housed a stable, which was later used as a laboratory/processing facility by the former Chemical company. A site assessment was done in June 1993, which determine the extent of cleanup activities.

### Lindsay Light III Site

Lindsay Light III is located at 22 West Hubbard Street.

Records indicate that this location was once a home of the Lindsay Light Chemical Company. A site assessment occurred at 22 and 30 West Hubbard (adjacent buildings) which showed minimal levels that posed no immediate health and safety actions. Surveys were conducted at 30 West Hubbard due to the common wall shared by the two buildings.

### **Lindsay Light II Site/RV3 North Columbus Drive**

The Lindsay Light II Site/RV3 Columbus Drive is located at 316 East Illinois Street directly across the street from the Lindsay Light II removal site. This property was detected during a EPA walkover radiation survey of the property. During this walkover the presence of thorium was discovered. These levels were cross-checked through the Argonne National Laboratory. As a result, EPA expanded the Lindsay Light II cleanup project to include the North Columbus Drive property (known as the Lindsay Light II Site/RV3 North Columbus Drive).

A workplan to cleanup this property was finalized and approved on March 24, 2000. Cleanup activities are scheduled to begin in early April 2000.

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**U.S. EPA Region 5**  
**77 W. Jackson Blvd**  
**Chicago, IL 60604**

**(312) 353-2000**  
**or**  
**(800) 621-8431**  
**(IL, IN, MI, MN,**  
**OH, and WI only)**

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